IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

WEDNESDAY, THE 22ND AUGUST 2007 / 31ST SRAVANA 1929

WP(C).No. 29932 of 2005(L)

OS.223/2004 of MUNSIFF COURT, ALATHUR
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PETITIONER:

PRAKASAN, S/O.JADADEVAN,
VADAKKUMPURATHU HOUSE, ERIMAYUR AMSOM DESOM,
ALATHUR TALUK, PALAKKAD DISTRICT.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P
SRI.M.V.BIPIN

RESPONDENT:

JAYAPRAKASAN, S/O.PURUSHOTHAMAN T.G.,
ERIMAYUR AMSOM DESSOM, ALATHUR TALUK,
PALAKKAD DISTRICT.

BY ADV. SRI.V.CHITAMBARESH
SRI.T.C.SURESH MENON

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX(WPC 29932/05)

PETITIONER'S EXTS.:

EXT.P1: TRUE COPY OF THE PLAINT IN O.S.223/04 ON THE FILE OF THE MUNSIFF'S COURT, ALATHUR.

EXT.P2: TRUE COPY OF THE WRITTEN STATEMENT FILED BY THE DEFENDANT IN O.S.NO.223/04 ON THE FILE OF THE MUNSIFF'S COURT, ALATHUR.

EXT.P3: TRUE COPY OF THE ENTRY IN EXT.B1 IN O.S.223/04 ON THE FILE OF THE MUNSIFF'S COURT, ALATHUR.

EXT.P4: TRUE COPY OF EXT.A1 IN O.S.NO.3/04 ON THE FILE OF MUNSIFF'S COURT, ALATHUR.

EXT.P5: TRUE COPY OF I.A.1089/05 IN O.S.NO.223/04 ON THE FILE OF MUNSIFF'S COURT, ALATHUR.

EXT.P6: TRUE COPY OF THE ORDER DATED 18.10.2005 PASSED IN I.A.1089/05 IN O.S.NO.223/04 ON THE FILE OF MUNSIFF'S COURT, ALATHUR.

PIUS C. KURIAKOSE,J.

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W.P.(C) No.29932 of 2005

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Dated: 22nd August, 2007

JUDGMENT

Heard Mr.Sajan Varghese, counsel for the petitioner and Mr.V.Chitambaresh, counsel for the respondent.

2. I am not persuaded to hold that Ext.P6 is vitiated to the extent of justifying interference by this court in its supervisory jurisdiction under Article 227 of the Constitution. According to me, most of the apprehensions voiced by the petitioner are actually taken care of by the learned Munsiff in Ext.P6 order itself. However, even as I approve Ext.P6, I direct the learned Munsiff to re-open the evidence to the extent of permitting the petitioner to examine the Advocate Commissioner who submitted Ext.A1 as a witness on his side.

The Writ Petition is disposed of as above. No costs.

srd **PIUS C.KURIAKOSE, JUDGE**